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*Attorneys for Plaintiff Francisco Orozco*

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

ARMANDO VILLANUEVA and  
HORTENCIA SAINZ, individually and  
as successor in interest to Pedro  
Villanueva, deceased, and FRANCISCO  
OROZCO, individually,

Plaintiffs,

vs.

STATE OF CALIFORNIA; JOHN  
CLEVELAND; RICH HENDERSON;  
and DOES 1-10, inclusive,  
Defendants.

Case No. 8:17-cv-01302 JLS (KESx)

*Assigned to the Honorable District  
Court Judge Josephine L. Staton*

**DECLARATION OF PLAINTIFFS'  
EXPERT EDWARD C.  
FATZINGER IN SUPPORT OF  
PLAINTIFF FRANCISCO  
OROZCO'S OPPOSITION TO  
DEFENDANTS' MOTION FOR  
SUMMARY JUDGMENT**

*[Filed concurrently with Plaintiffs'  
Oppositions to Defendants' Motion for  
Summary Judgment; Memorandum of  
Points and Authorities in support  
thereof; Declaration of Renee V.  
Masongsong and exhibits thereto;  
Declaration of Scott A. DeFoe;  
Declaration of David E. Balash;  
Declaration of Francisco Orozco]*

Date: August 10, 2018  
Time: 2:30 p.m.  
Judge: Hon. Josephine L. Staton

**DECLARATION OF EDWARD C. FATZINGER, JR. MS, PE**

I, Edward C. Fatzinger, Jr., declare as follows:

1. I am a senior forensic engineer with Momentum Engineering Corp.

2. I am a competent adult and personally familiar with the facts contained herein and would and could competently testify thereto if called upon to do so.

3. A true and correct copy of my C.V. is attached as Exhibit 1.

4. Before reaching my opinions in this case, I reviewed the following documents:

a. State of California Traffic Collision Report #16-43654. Color copies of photographs of involved vehicles;

b. Color copies of photographs of the accident scene Investigative reports from OCCL, FPD, and CHP;

c. Property damage estimate for CHP Ford Taurus;

d. Deposition testimony of Francisco Orozco, dated May 3, 2018;

e. Deposition testimony of Jon Cleveland, dated October 20, 2017;

f. Deposition testimony of Richard Henderson, dated October 20, 2017;

g. Deposition testimony of Thomas Ray Hinkle Jr., dated April 18, 2018;

h. Deposition testimony of David Sainz, dated May 24, 2018;

i. Deposition testimony of Armando Villanueva, dated May 23, 2018;

j. Deposition testimony of Abel Orozco, dated April 19, 2018.

5. In addition to the documents above, my opinions are based upon my inspection of the site and my inspection of the red Chevrolet Silverado pickup truck driven by Pedro Villanueva.

6. When the truck was approximately 15-20 feet from colliding with the CHP Taurus left rear door area, the truck was travelling approximately 3-5 miles per hour.

1           7.     The truck was travelling at approximately 3-5 miles per hour at the  
2 time of impact with the CHP Taurus. The airbag module was downloaded in the  
3 Chevrolet pickup truck. The airbag module acts as a data recorder in the event of an  
4 impact. Typically, the threshold for the module to start recording is an impact with a  
5 speed loss (delta-v) of approximately 5 miles per hour. The airbag module in the  
6 Chevrolet pickup truck did not have a recording for the impact between the truck  
7 and the CHP Taurus due to the minor severity.

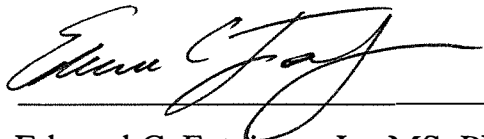
8           8.     There were no acceleration or deceleration tire scuffs documented or  
9 observed in the scene photographs. Independent witnesses in this case did not hear  
10 tires screeching or engine revving. This is consistent with the slow speed of the  
11 truck and the minimal damage to the truck.

12          9.     The impact speeds and maneuvers of the truck were not consistent with  
13 aggressive driving by Mr. Villanueva.

14          10.    The approximate time between the impact between the truck and the  
15 parked Honda Civic, and the impact between the truck and the CHP Taurus was 16-  
16 17 seconds.

17          11.    The movement of the truck from impact with the Honda Civic to  
18 impacting the CHP Taurus was unlikely done in one maneuver due to the proximity  
19 of the vehicles.

20          I declare under penalty of perjury that the foregoing is true and correct, and  
21 that this was executed this 11th day of July 2018 at Los Angeles, California.

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26                   Edward C. Fatzinger Jr., MS, PE